

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

vs.

CASE NO. 3:99CR00344-013 (PG)

JOSE COLON-CENTENO

\* \* \* \* \*

MOTION NOTIFYING VIOLATIONS OF  
SUPERVISED RELEASE CONDITIONS AND THE REQUEST  
FOR THE ISSUANCE OF A WARRANT

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ  
U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO

COMES NOW, Martín De Santiago, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, José Colón-Centeno, who on November 17, 2000, was sentenced to sixty (60) months of imprisonment and seven (7) years supervised release with special conditions of drug testing, and substance abuse treatment, if warranted, as well as a search and seizure. On February 17, 2004, he was released from custody and his seven-year supervised release term began.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE  
AS FOLLOWS:

Since his release from custody, the offender has violated the following supervision conditions:

1. CONDITION NO. 2 - "YOU SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."

The offender has not submitted his monthly supervision report for April 2005 as of this date.

**3. CONDITION NO. 3 - "YOU SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER."**

Mr. Colón-Centeno has failed to follow our instructions by not showing up to our office to provide urine specimens on numerous occasions, more recently on March 3, 16, and 31; and May 5, 2005, and for office appointment on April 1, 2005.

**2. CONDITION NO. 7 - "YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."**

The offender tested positive to heroin on September 29th; October 4th; and November 5, 2004 and February 1, 2005. Subsequently, he was placed in an intensive drug testing program and referred to one of our contracted drug treatment providers.

**3. SPECIAL CONDITION - "IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE PROGRAM ARRANGED AND APPROVED BY THE PROBATION UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER."**

The offender was referred to one of our out-patient substance abuse treatment providers on February 1, 2005. Mr. Colón-Centeno's has been fair, nevertheless, he has failed to render urine specimens as required by the drug treatment program and by his conditions of release.

**WHEREFORE,** I declare under a penalty of perjury that the foregoing is true and correct, and it is respectfully requested, unless ruled otherwise, that a warrant of arrest be issued so that the offender may be brought before this Court to show cause why his supervision term should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 19<sup>th</sup> day of May 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Martin De Santiago  
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U.S. Probation Officer  
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**CERTIFICATE OF SERVICE**

I HEREBY certify that on May 19, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

José A. Ruiz-Santiago, Assistant U.S. Attorney, and Juan E. Alvarez-Cobian, Esq.

In San Juan, Puerto Rico, this 19<sup>th</sup> day of May 2005.

s/Martin De Santiago  
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